

JOURNAL OF THE FLORIDA SENATE

Wednesday, April 7, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator de la Parte—

SB 566—A bill to be entitled An act relating to identification cards for the blind; authorizes these cards to be issued by the department of health and rehabilitative services, division of vocational rehabilitation, bureau of blind services; authorizes the bureau to promulgate rules, regulations, and procedures relating to application and eligibility for and issuance and control of this identification card; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Weissenborn—

SB 567—A bill to be entitled An act relating to retirement; amending §1(3)(b) of chapter 70-112, Laws of Florida, appearing as §121.011(3)(b), Florida Statutes, 1970, providing that an employee of a municipality, the functions of whom have been taken over by a county, who thereby becomes a county employee, may choose to continue to be a member of the municipal retirement system in which case he will not be eligible to become a member of the Florida retirement system; prohibiting a county from increasing such an employee's pension contribution above the amount deducted by the municipality; authorizing the county to pay an amount into the municipal retirement system equal to the sum previously paid by the municipality; providing an effective date.

Was read the first time by title and referred to the Committee on Personnel, Retirement and Claims.

By Senators Haverfield and Hollahan—

SB 568—A bill to be entitled An act relating to the division of recreation and parks, department of natural resources; creating the recreation and parks advisory council; providing for members, terms, compensation, duties and the appointment of subordinate advisory councils; amending §20.25 (15), Florida Statutes; providing for the advisory council; repealing §592.10, Florida Statutes, which relates to the selection of an advisory council; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Governmental Efficiency.

By Senator Weissenborn—

SB 569—A bill to be entitled An act relating to taxes on gasoline; creating §213.11, Florida Statutes, requiring the department of revenue to pay two percent (2%) of all revenue collected under the first gasoline tax imposed by chapter 206, Florida Statutes, as created by chapter 70-995, Laws of Florida, to the game and fresh water fish commission or other agency charged with controlling noxious aquatic vegetation; requiring that such funds be used in the control, eradication and research of water hyacinth and noxious aquatic vegetation; amending §206.45(1), Florida Statutes, 1970 Supplement, Addendum, as created by chapter 70-995, Laws of Florida, to conform to this act; providing an effective date.

Was read the first time by title and referred to the Committees on Natural Resources and Conservation and Ways and Means.

By Senator Pope—

SB 570—A bill to be entitled An act relating to limitation of actions; amending section 95.11 (6), Florida Statutes, to provide that actions to recover damages for injuries to the

person arising out of any medical, dental or surgical treatment or operation must be brought within two (2) years; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senator Weissenborn—

SB 571—A bill to be entitled An act relating to landlord and tenant; creating §83.271, Florida Statutes, to provide that all affirmative defenses be available to a tenant in certain possessory actions; creating §83.281, Florida Statutes, to provide that a warranty of habitability be implied in all housing contracts; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Saylor—

SB 572—A bill to be entitled An act relating to water skiing while under the influence of intoxicating liquor and narcotic drugs; amending section 371.53, Florida Statutes, to add additional substances that cause impairment of or deprive normal faculties of one who skis; providing penalty for violation; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Criminal.

Address to the Senate by President Jerry Thomas on April 6:

"Those Senators who are participating in the award ceremony this morning have an agenda on their desk. We are going to delay that for just a short time because the recipient of one of these awards will have his parents here for the presentation and justifiably so, but their plane has been a little delayed so we have some extra time. This may be an appropriate time for your presiding officer to see if he still has the ability to extemporize by recounting some of the things that this Senate has accomplished since its organizational session last November.

All of you recall that we started a new program on the premise that we have government of the people, by the people and for the people, and appropriately, we should, if at all possible, have government to the people. At that time we discussed some of the things we find wrong in Washington, such as our Federal government's becoming so far removed from the people they have difficulty in communicating with their elected representatives, let alone those who administer the laws passed in the Hall of Congress.

Last November following the organizational session, we went to the Duval County area and then traveled, for the most part, the entire state and held public hearings in proximity to almost ninety percent of the population of this great state. People from all walks of life, for the first time, had occasion to see the entire Senate in action through the various committees, to leave their homes and simply make a little trip in their automobile to a Senate meeting and put in their gripe, if you please, or make criticisms or suggestions on what they felt should be done about their state government. After all, the Senate belongs to the people, and what better way to know the desires of the people than to go among them for their advice and counsel.

At first there were times we felt, 'Maybe this really isn't working because we aren't having big crowds at the meetings.' Coca-cola, which is now a household word, was not a beverage

that everyone ran down and bought when it first came out. They advertised it and advertised it and advertised it.

We do not advertise what we do in the Senate; we rely on the news media, and I would like to commend the Capital Press Corps for the coverage it afforded our field trips and also the various local news media for the outstanding job they did. Knowing we could not advertise our product, which is representative government, we left it to them and they did a remarkable job.

In some meetings there were overflow crowds, and in others there were not many people at all. But I think the real test of that program was not how many people attended a Senate committee meeting, but rather, that the various Senators went to the college campuses and talked to the students and talked to the classroom teachers and went on the campuses of the various high schools.

The dialogue of the Senator from the 12th debating with a high school youngster on some of the school programs and their inviting him to lunch to see how bad they think the meal is in that school program, and yes, their talking to the Dean of the Senate of 22 years of service and saying, 'He's here, let's take him to lunch with us.' were things to behold.

And then we went to the mental centers and visited people with mental problems. The Senator from the 11th told me when we were in Miami at dinnertime, 'You know this will be the first time I have had to eat today.' I asked, 'What are you talking about, Senator Beaufort?' He replied, 'Well, you pushed me out of bed so early in the morning I didn't have time for breakfast. We had to go to the Hollywood Mental Institution, and I knew they planned lunch for us there, but Mr. President, after walking through that institution and seeing the problems and having the guard caution me on the things that take place there, I really couldn't eat. I lost my appetite and I am not sure I can eat tonight.'

And then when we debated a bill on the floor of the Senate during the special session dealing with suspensions, the Senator from the 11th told about his conversation with a young girl in a Sunland Training Center and how the doctor said it was the first time that girl had carried on any type of conversation with anyone in many weeks. Senator Beaufort explained by saying, 'Well, I simply talked to her as if she were my daughter.'

And then, it was you Senators who got on the bus and went over to a boys' training school and went to a correctional institution for first time offenders and talked to those young people; and then went to the mental institution at Chattahoochee where a group of Senators entered a very confined area. In fact, it was the first time that any human beings except for one doctor had ever walked inside that confinement and talked face to face with the criminally insane. And it was a real experience.

Yes, I think the real value of taking the Senate to the people is that you the Senators have gone out and have seen firsthand the problems of the people. Those who have served here in Tallahassee for many years will agree that the new Senators, those who have never served in either the House or the Senate before, are well informed because they made trips that normally would be reserved for those who serve on appropriation committees.

The Senators we have here today, in my opinion constitute the most informed Senate ever to convene in the halls of Tallahassee in regular session. But being informed is not enough. Action is what really counts.

As we recount those trips we made, I think the Senator from the 4th best epitomized this in his report to the President. He advised that in one day his committee considered and formally acted upon 27 separate legislative measures including a constitutional amendment. Additionally, they heard testimony from the Chief Justice of the Supreme Court, from the Justices of the Appellate Division, from those who serve in the Domestic Courts and on the Circuit Courts.

He then told me, 'You know, let me tell you something else. In my decade and a half in the legislature, I have never served on a committee that was able to formally consider 27 measures in one day and hear all of that testimony. I believe this is testimony to the success of taking the Senate to the people. As an example, when we started out on that program, there was a bill that I was definitely against. It dealt with domestic relations. I voted against it in the session before this. I was 100 per cent against it. But as I went among the people around this state to the various hearings and heard the testimony that came from the Duval County area, from the Dade County area, from the Palm Beach County area, from the Broward County area, from the Polk County area, from the Pinellas County area, from the Hillsborough area, from the Orange County area, from the Brevard County area, I changed my position 180 degrees. I am going to support that legislation now because I really feel I have the benefit of what the people of this state want.'

If you have occasion, read this report because if there is to be an epitome of this Senate's interim work, the Senator from the 4th did a noble job in explaining it.

We hear in this session a lot about tax reform. It is important, when we talk about tax reform, to recognize what is tax reform to some may well constitute an oppressive, regressive tax to others. But there will be tax reform.

When we visited the penal institutions, I think all of us came away with the idea that there must be more judicial reform, over and above amending Article V of our constitution. We must support programs that continue to rehabilitate, programs that make taxpayers out of these people rather than tax-eaters, programs that will return a man to society with a vocation rather than to the same environment with the same inadequacies that resulted in his going to that correctional institution to begin with.

Consumer protection is always important, and we will hear more about it and we will produce legislation concerning it.

Transportation is a real problem. The Orange County area has its problems with the advent of Walt Disney World. If we were able to give that area all at once all the road funds it had during the past five years, it would still be five years behind in roads that are necessary for the impact of all the people who will be going into that area with the opening of Disneyland.

While we are talking about that and the impact of the people, there are some other areas we ought to keep constantly in mind. This is the reason I asked the Senator from the 26th to see that no taxpayers' money is spent to urge people to move to Florida as permanent residents.

Florida has been known as the fastest growing state in the union. I hope the wisdom of this august body dictates that

that growth is no longer a flag to run up and salute. If this state's growth in the 70's matches our growth over the last ten years, it will be comparable to moving to Florida all of the people who presently live today in Nevada, Alaska, Wyoming, Vermont and Delaware. Put another way, it would be almost equal to creating, in the next ten years, two separate and distinct new Dade Counties, and I don't think the State can stand it.

Senators, if we did not have any more permanent residents moving to Florida, our growth alone from our 6.8 million residents would produce in the next decade a population equal to Nevada's.

I know all the pressures that are on you from those in the development business who are your constituents, who continue to talk about the necessity of moving more people into Florida, but this state cannot take the shock of that type of growth, economically or ecologically.

I heard from some of my friends in the panhandle who said, 'We've got plenty of land up here, so we want more people.' And I say in all seriousness, I would indeed support an appropriation that encouraged advertising to tell people from South Florida how nice it is up here in North Florida, and that they ought to move up here, because that would help balance the state's population.

We must constantly keep in mind the preservation of all of those things that have made this state great—the very reasons people want to come here. It is a sad commentary indeed when you go to the lower east coast of Florida and see 'no swimming' signs posted on many waterways.

I'm reminded of a recent letter to the editor of the Orlando Sentinel that talked about some of the problems there, and the editor's note that said 'come over and we will show you our pretty waterways.' Of course, this posed a question as to whether or not they still had clean water there. I found that interesting, and I asked the State Board of Health and the Air and Water Pollution Commission to check their waterways. You know what, Senators? The water is just as polluted in Orange County as it is in Palm Beach County and other areas. We've got a real problem in Florida. I think it's even time to reappraise our action of a year ago when we said it's all right to use an ocean outfall system to dump the waste in the ocean as long as the sewage has at least 90% treatment. Today we have evidence that the plankton in the ocean provide 50% of the world's oxygen. The chemicals we are dumping in the ocean through outfalls on a daily basis and the 240 million gallons of oil that is spilled in our ocean every year by tankers are destroying the production of plankton. We must realize we are indeed, as I said in my inaugural address, involved in World War III in our daily war on pollution. If ever there was a time to be ahead of ourselves, it is today in our anti-pollution efforts.

There is a lot of talk about what this session will be labeled. For some reason in this country and in this state we always have to have labels. It's been said this will be a reform session, and I suppose that means a tax reform session. To me it will be a priority session.

This Senate passed a resolution amending the constitution of our state to allow the people to determine whether or not this body could consider a corporate income tax. This Senate also voted for an early trial to allow it to be considered as soon as possible, and that measure did not get through the House. Perhaps that is the healthiest thing to happen in this state in many years. Because of necessity, this Senate, as the fiscal guardian of this state, must now get out an economic paring knife and pare away the fat in government as never before.

Although this may offend some professionals in government, I can tell you the same economic principle occurs in business. We constantly read that one business buys another or there is a corporate merger. Why? Because one business feels it can do a better job, and do it more economically.

We want to re-examine every program that is presented to us to determine first, whether this program serves a useful purpose and whether it justifies the tax dollars that go into it. If it does not, we should do away with that program. Second, is there a way to do it better? Can we reduce that program? And Senators, when there is a request for an additional PhD program at a university and a request for additional funds to bring in personnel to teach a retarded child the simple things such as brushing his teeth or cleaning himself, the Sunland Training Center should get the priority.

We continue to talk about education. Why? Because when we talk about saving dollars, we must go where the dollars are spent, and 73% of the tax dollars of this state go into education. There is an overriding burden on this Senate to make sure that we get the optimum returns for the taxpayer. If ever before in the history of this state there is an opportunity to bring around some meaningful change in education, this is the session.

My fellow senators, this is the challenge and when it's over, I think you will look upon this session as the session of priorities, a session in which you established priorities, when this Senate produced a balanced budget, when you adhered to the constitutional mandate of this state—unlike Washington—that dictates there can be no deficit spending. These are the challenges of this session. And if I know the will and determination of this body, you will indeed meet these challenges."

The Senate adjourned at 8:37 a.m. to reconvene at 10:00 a.m., April 8, 1971.

JOURNAL OF THE FLORIDA SENATE

Thursday, April 8, 1971

The Senate was called to order by the President at 8:30 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senator Graham—

SB 573—A bill to be entitled An act relating to the board of examiners of landscape architects; amending §§481.011(2), (3) and (4), and 481.081, Florida Statutes, providing definitions; providing for the registration of corporations and partnerships under the landscape architects law; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Knopke—

SB 574—A bill to be entitled An act relating to motor vehicle odometer readings; amending §319.35(2), Florida Statutes, 1970 Supplement, as created by chapter 70-233, Laws of Florida, to exclude vehicles over four (4) years old from the provisions relating to tampering with odometers; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Scarborough—

SB 575—A bill to be entitled An act relating to secured transactions; amending §679.503, Florida Statutes; providing a thirty (30) day notice requirement prior to repossession of collateral by secured party and providing the debtor with an opportunity to cure an item of default within the thirty (30) day period; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Ducker—

SB 576—A bill to be entitled An act relating to garnishment; amending §77.28, Florida Statutes, to raise the amount to be deposited in the registry of the court by an applicant for a writ of garnishment; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senator Fincher—

SB 577—A bill to be entitled An act relating to the state treasurer; amending section 18.112, Florida Statutes, to provide that student loans and small business administration loans, which are guaranteed by the United States government, shall be authorized securities for all deposits of public funds; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 578—A bill to be entitled An act relating to banks and trust companies; amending section 659.16(1), Florida Statutes; establishing that the par value of eligible securities which are owned by the bank free of pledge and encumbrance and that portion of the par value of eligible securities which is in excess of the deposits to which pledged may be utilized in meeting reserve requirements; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 579—A bill to be entitled An act relating to industrial savings banks; amending chapter 656, Florida Statutes, by

adding section 656.211, Florida Statutes; establishing that records of the banking department are confidential and that all reports of examination and investigation are the property of the banking department; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 580—A bill to be entitled An act relating to industrial savings banks; amending section 656.121(2), F. S., to permit directors' qualifying shares to be subject to encumbrances or options; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Karl and Henderson—

SB 581—A bill to be entitled An act relating to industrial savings banks; amending section 656.121, Florida Statutes, by adding subsection (5); authorizing removal of directors by the commissioner pursuant to hearing and also emergency removal; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 582—A bill to be entitled An act relating to banks and trust companies; amending section 659.20(5)(c), Florida Statutes; increasing the percent of unimpaired capital and surplus that may be invested in small business investment companies; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 583—A bill to be entitled An act relating to banks and trust companies; amending section 659.11(2), Florida Statutes; authorizing directors' qualifying shares to be encumbered and optioned; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 584—A bill to be entitled An act relating to banks and trust companies; amending section 659.11, Florida Statutes; authorizing removal of directors by the commissioner; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senators Henderson and Karl—

SB 585—A bill to be entitled An act relating to banks and trust companies; amending section 658.10(1), Florida Statutes; establishing that records of the banking department are confidential and that all reports of examination and investigation are the property of the banking department; prohibiting banks, their officers, directors, officials or employees from making any part of report public except pursuant to court order; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator McClain—

SB 586—A bill to be entitled An act relating to higher education; amending §239.581(2), Florida Statutes, relating to participation by students or employees in disruptive activities at junior colleges and universities, to provide that the penalties described therein be mandatory; providing an effective date.